

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DOMINION BULK INTERNATIONAL SA,

Plaintiff,

v.

09 CV 2270 (SHS)

SEALIFT NV OF ANTWERP.,

Defendants.
-----X

**ORDER FOR THE DEPOSIT OF
FUNDS IN AN INTEREST BEARING ACCOUNT
IN THE CUSTODY OF THE CLERK OF THE COURT**

WHEREAS, on March 11, 2009, DOMINION BULK INTERNATIONAL SA ("DOMINION" or "Plaintiff") instituted the present action seeking, *inter alia*, the attachment of assets of SEALIFT NV OF ANTWERP. ("SEALIFT" or "Defendant"), within this district pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure as security for Plaintiff's claims against Defendant in arbitration, and

WHEREAS, the verified complaint seeks damages against Defendant in the amount of \$1,674,722.05 including interest, costs of arbitration and attorneys' fees, and

WHEREAS, on or about March 17, 2008 this Court granted an order of attachment against Defendant's property, and pursuant thereto Plaintiff served Process of Maritime Attachment and Garnishment within this district upon Bank of America which, on or about May

20, 2009, attached, and is now holding pending further order of this Court, wire transfer funds in the amount of \$215,424.18 belonging to Defendant SEALIFT, and

WHEREAS, the \$215,424.18 now held by Bank of America should be deposited in an interest bearing account in the custody of the Clerk of the Court pending further order of this Court,

THEREFORE, it is hereby Ordered that:

1. Garnishee Bank of America shall promptly wire transfer \$215,424.18 to the account of the Clerk of the United States District Court for the Southern District of New York at the United States Treasury, ABA number 021030004, Agency Location Code 4654, referencing "Dominion Bulk International SA v. Sealift NV of Antwerp, Docket Number 09 Civ. 2270 (SHS)".

2. Upon transfer of the funds in accordance with this Order and furnishing copies of the transfer instructions to the attorneys for the Plaintiff, Bank of America shall be relieved of all responsibility in this matter.

3. Upon receipt of the \$215,424.18 the Clerk of this Court shall invest the entire amount in an interest bearing account pending further order of this Court.

4. The Clerk of this Court is directed to deduct from the income on the investment a fee equal to ten percent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office.

5. Directly after service of this Order on the Clerk of this Court and his Financial Deputy pursuant to Local Civil Rule 67.1 (a), the attorney for the Plaintiff shall cause a copy of this

Order to be personally served on Bank of America and the said attorney shall provide proof of service on Bank of America to the Defendant.

6. The deposit shall remain in the custody of the Clerk of this Court pending the issuance of an arbitration award rendered in favor of Plaintiff and against Defendant and confirmed by judgment of this Court, or pending other stipulation executed by both parties and so ordered by this Court or until such time as this Court orders the release of said funds pursuant to application by either party.

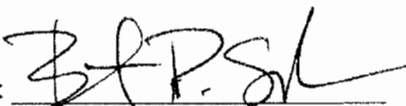
7. This case shall be dismissed without prejudice, subject to reopening upon the request of either party to the Court, for purposes of effectuating the release of the deposited funds from the Clerk of this Court as set forth above.

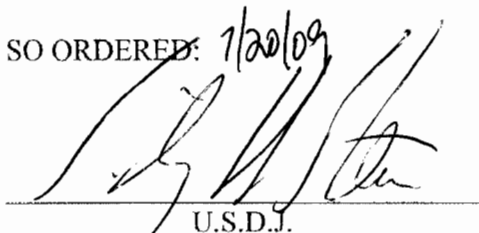
Dated: July 20, 2009
Oyster Bay, New York

Respectfully Submitted:

CHALOS & CO, P.C.

Attorneys for Plaintiff
DOMINION BULK
INTERNATIONAL SA

By: 
George M. Chalos (GC-8693)
Briton P. Sparkman (BS-5220)
123 South Street
Oyster Bay, NY 11771
Tel: (516) 714-4300
Fax: (516) 750-9051

SO ORDERED: 
U.S.D.J.
Chalos & Co. ref. 2016.011